

ATTACHMENT TO FY05 BUDGET MEMO

SECTION 8. **Clause Twenty-sixth of section 7 of chapter 4** of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after subclause (n) the following 2 subclauses:—

(o) the home address and home telephone number of an employee of the judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose, in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or a criminal justice agency as defined in section 167 of chapter 6.

(p) the name, home address and home telephone number of a family member of a commonwealth employee, contained in a record in the custody of a government agency which maintains records identifying persons as falling within the categories listed in subclause (o).

SECTION 79. **Section 15 of said chapter 32**, as so appearing, is hereby amended by adding the following subsection:—

(5) If the attorney general or any district attorney becomes aware of a final conviction of a member of a retirement system under circumstances which may require forfeiture of said member's rights to a pension, retirement allowance, or a return of his accumulated total deductions pursuant to this chapter, sections 58 or 59 of chapter 30 or section 25 of chapter 258A, he shall immediately notify the commission of such conviction.

SECTION 63. **Section 59 of chapter 30**, as so appearing, is hereby amended by inserting after the word "him", in line 26, the following words:—

, subject to the provisions of section 15 of chapter 32. The employer of any person so suspended shall immediately notify the retirement system of which the person is a member of the suspension and shall notify the retirement board of the outcome of any charges brought against the individual.

SECTION 210. **Section 25 of chapter 268A** of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word "him", in line 28, the following words:— , subject to section 15 of chapter 32. The employer of a person so suspended shall immediately notify the retirement system of which the person is a member of the suspension and shall notify the retirement board of the outcome of any charges brought against the individual.

SECTION 65. **Section 1 of chapter 32** of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the definition of "Accumulated additional deductions" the following new definition:—

"Accumulated assumed actuarial deductions", the sum of the amount of the regular deductions and the actuarial assumed interest thereon that would have been credited to any member's account in the annuity savings fund of any system had actuarial assumed interest been credited rather than regular interest.

SECTION 66. **Said section 1 of said chapter 32**, as so appearing, is hereby further amended by inserting after the definition of "Accumulated total deductions" the following new definition:—

"Actuarial assumed interest", interest that would be credited to a member's account in the annuity savings fund of any system or to his account in the special fund for military service credit, as provided in subdivision (6) of section 22, except that for any calendar year beginning after December 31, 1983, "actuarial assumed interest" shall be interest that would have been so credited using a rate equal to a system's actuarial assumed rate of return on investments, as determined from time to time by the commission, rather than regular interest.

SECTION 67. **Said section 1 of said chapter 32**, as so appearing, is hereby further amended by striking the definition of "Actuarial equivalent" and inserting in place thereof the following definition:—

"Actuarial equivalent", any benefit of equal value when computed upon the basis of a mortality table to be selected by the actuary and an interest rate determined by the actuary.

SECTION 336. Notwithstanding the provisions of any general or special law to the contrary, the public employee retirement administration commission shall review the current combined table of mortality and select a new table of mortality within 180 days of the effective date of this act.

SECTION 71. **Section 7 of said chapter 32**, as so appearing, is hereby amended by striking out the word “eighteen”, in line 88, and inserting in place thereof the following words:— 18, or, if over said age and under age 22, is a full-time student at an accredited educational institution,.

SECTION 72. Said **section 7 of said chapter 32**, as so appearing, is hereby further amended by striking out the word “twenty-one”, in line 97 and inserting in place thereof the figure:— 22.

SECTION 73. **Section 9 of said chapter 32**, as so appearing, is hereby amended by striking out the word “eighteen”, in line 55, and inserting in place thereof the following:— 18, or are over said age and under age 22 and full-time students at accredited educational institutions,.

SECTION 74. Said **section 9 of said chapter 32**, as so appearing, is hereby further amended by striking out the word “eighteen”, in line 60, and inserting in place thereof the following:— 18, or is over said age and under age 22 and is a full-time student at an accredited educational institution,.

SECTION 75. Said **section 9 of said chapter 32**, as so appearing, is hereby further amended in paragraph (c) of subdivision (2) by inserting at the end of said paragraph (c) the following new sentences:—

The words “full-time student” shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words “accredited educational institution” shall mean any school, college, or university that is licensed, approved or accredited, as the case may be, in the state in which it is located.

SECTION 76. Said **section 9 of said chapter 32**, as so appearing, is hereby further amended by striking out the word “twenty-one”, in each of lines 73 and 79, and inserting in each place thereof the figure:— 22.

SECTION 83. **Section 26 of said chapter 32** of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the word “eighteen”, in line 51, and inserting in place thereof the following:— 18, or, if over said age and under age 22, who is a full-time student at an accredited educational institution,.

SECTION 84. Said **section 26 of said chapter 32**, as so appearing, is hereby further amended by striking out the word “twenty-one”, in line 57, and inserting in place thereof the figure:— 22.

SECTION 87. **Section 100 of said chapter 32**, as so appearing, is hereby amended by striking out the word “twenty-one”, in line 32, and inserting in place thereof the figure:— 22.

SECTION 77. **Subdivision (1) of section 12 of chapter 32** of the General Laws, is hereby amended by striking out the second sentence, as amended by section 17 of chapter 306 of the Acts of 1996, and inserting in place thereof the following sentence:— Any member who is retired for disability under the provisions of section six, section seven or who is retired under the provisions of subdivision (2) of section twenty-six, may elect to have his allowance paid in accordance with the terms of option (a), option (b), or option (c), provided, however, that, in the event that the surviving eligible beneficiary of said member, under said option (c), is eligible for a benefit under section nine, said beneficiary shall elect to receive either a benefit pursuant to option (c) or a benefit pursuant to said section nine, but in no event shall said beneficiary be eligible for both benefits.

SECTION 85. **Section 91A of Chapter 32** of the General Laws is hereby amended by striking the words “cease and shall in no event be reinstated” as they appear in lines 14 and 15 of the 2002 Official Edition and inserting in place thereof the word “terminate”.

SECTION 86. Said **section 91A of said chapter 32** of the General Laws, as so appearing, is hereby further amended by adding the following new sentence:-

A member shall not be entitled to recover a retirement allowance for any period during which the member’s rights in and to his retirement allowance were terminated for failure to submit a statement to the commission under this section. After written notice and opportunity to be heard by the board, termination of a member’s rights in and to a retirement allowance for failure to submit a statement to the commission shall be considered by the board to be effective as of the date that such statement was due to be submitted to the board. If a retirement allowance was paid to a member for any period during which such member’s rights in and to a retirement allowance were terminated for

failure to submit a statement to the commission, such member shall refund the portion of his retirement allowance attributable to such period.

SECTION 88. Said **chapter 32 is hereby further amended by adding the following new section:—**

Section 105. (a) Any member retired under the provisions of section 5 or section 10 shall be eligible to be reinstated in a retirement system established under this chapter, if the retired member repays to the system from which he retired an amount equal to the total amount of any retirement allowance received by the retired member, together with actuarial assumed interest thereon. Such payment shall be made in one lump sum or in installments as the board shall prescribe. Upon such reinstatement, regular deductions shall be made from regular compensation pursuant to paragraphs (b) and (b½) of subdivision (1) of section 22, for the purposes of which, the member's date of entry into service shall be the date such member waived his retirement allowance or the date of reinstatement, whichever occurs earlier. Upon completion of such payment, the member shall be entitled to creditable service for all periods of service for which deductions were made from the member's regular compensation. For purposes of this section, the term "reinstatement service" shall mean a member's period of full-time employment after reinstatement in a retirement system under this section.

(b) If the member shall have less than 5 years reinstatement service, upon retirement, said member shall receive a refund of the payments actually made to the system under this section. The member shall not be entitled to any creditable service for the reinstatement service, nor shall said member be eligible to establish any additional creditable service under any provision for make up payments or other payments.

(c) If the member shall have 5 years or more of reinstatement service, the member shall be entitled to creditable service resulting from his reinstatement service, upon the completion of payments required under subsection (a) and payment of regular deductions under section 22 for the reinstatement service. In the event that a retirement allowance becomes effective for the member before the completion of payments under subsection (a), the member shall be entitled to credit for that proportion of reinstatement service as the board shall prescribe, in addition to any credit for service rendered prior to the date of reinstatement; provided that the member would have otherwise been eligible for said prior service.